

Union Calendar No. 220

108TH CONGRESS
1ST SESSION

H. R. 280

[Report No. 108–370]

To establish the National Aviation Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mr. HOBSON (for himself, Mr. PORTMAN, Mr. REGULA, Mr. LATOURETTE, Mr. BOEHNER, Mr. TURNER of Ohio, Mr. TIBERI, Mr. NEY, Mr. BROWN of Ohio, Mr. OXLEY, Mrs. JONES of Ohio, Ms. KAPTUR, and Mr. GILLMOR) introduced the following bill; which was referred to the Committee on Resources

NOVEMBER 17, 2003

Additional sponsors: Mr. RYAN of Ohio, and Mr. PENCE

NOVEMBER 17, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 8, 2003]

A BILL

To establish the National Aviation Heritage Area, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **TITLE I—NATIONAL AVIATION**
2 **HERITAGE AREA**

3 **SEC. 101. SHORT TITLE.**

4 *This title may be cited as the “National Aviation Her-*
5 *itage Area Act”.*

6 **SEC. 102. FINDINGS AND PURPOSE.**

7 *(a) FINDINGS.—Congress finds the following:*

8 *(1) Few technological advances have transformed*
9 *the world or our Nation’s economy, society, culture,*
10 *and national character as the development of powered*
11 *flight.*

12 *(2) The industrial, cultural, and natural herit-*
13 *age legacies of the aviation and aerospace industry in*
14 *the State of Ohio are nationally significant.*

15 *(3) Dayton, Ohio, and other defined areas where*
16 *the development of the airplane and aerospace tech-*
17 *nology established our Nation’s leadership in both*
18 *civil and military aeronautics and astronautics set*
19 *the foundation for the 20th Century to be an Amer-*
20 *ican Century.*

21 *(4) Wright-Patterson Air Force Base in Dayton,*
22 *Ohio, is the birthplace, the home, and an integral*
23 *part of the future of aerospace.*

24 *(5) The economic strength of our Nation is con-*
25 *nected integrally to the vitality of the aviation and*

1 *aerospace industry, which is responsible for an esti-*
2 *mated 11,200,000 American jobs.*

3 *(6) The industrial and cultural heritage of the*
4 *aviation and aerospace industry in the State of Ohio*
5 *includes the social history and living cultural tradi-*
6 *tions of several generations.*

7 *(7) The Department of the Interior is responsible*
8 *for protecting and interpreting the Nation's cultural*
9 *and historic resources, and there are significant ex-*
10 *amples of these resources within Ohio to merit the in-*
11 *volvement of the Federal Government to develop pro-*
12 *grams and projects in cooperation with the Aviation*
13 *Heritage Foundation, Incorporated, the State of Ohio,*
14 *and other local and governmental entities to ade-*
15 *quately conserve, protect, and interpret this heritage*
16 *for the educational and recreational benefit of this*
17 *and future generations of Americans, while providing*
18 *opportunities for education and revitalization.*

19 *(8) Since the enactment of the Dayton Aviation*
20 *Heritage Preservation Act of 1992 (Public Law 102–*
21 *419), partnerships among the Federal, State, and*
22 *local governments and the private sector have greatly*
23 *assisted the development and preservation of the his-*
24 *toric aviation resources in the Miami Valley.*

1 (9) *An aviation heritage area centered in South-*
2 *west Ohio is a suitable and feasible management op-*
3 *tion to increase collaboration, promote heritage tour-*
4 *ism, and build on the established partnerships among*
5 *Ohio’s historic aviation resources and related sites.*

6 (10) *A critical level of collaboration among the*
7 *historic aviation resources in Southwest Ohio cannot*
8 *be achieved without a congressionally established na-*
9 *tional heritage area and the support of the National*
10 *Park Service and other Federal agencies which own*
11 *significant historic aviation-related sites in Ohio.*

12 (11) *The Aviation Heritage Foundation, Incor-*
13 *porated, would be an appropriate management entity*
14 *to oversee the development of the National Aviation*
15 *Heritage Area.*

16 (12) *Five National Park Service and Dayton*
17 *Aviation Heritage Commission studies and planning*
18 *documents: “Study of Alternatives: Dayton’s Aviation*
19 *Heritage”, “Dayton Aviation Heritage National His-*
20 *torical Park Suitability/Feasibility Study”, “Dayton*
21 *Aviation Heritage General Management Plan”,*
22 *“Dayton Historic Resources Preservation and Devel-*
23 *opment Plan”, and Heritage Area Concept Study,*
24 *demonstrated that sufficient historical resources exist*
25 *to establish the National Aviation Heritage Area.*

1 (13) *With the advent of the 100th anniversary of*
2 *the first powered flight in 2003, it is recognized that*
3 *the preservation of properties nationally significant*
4 *in the history of aviation is an important goal for the*
5 *future education of Americans.*

6 (14) *Local governments, the State of Ohio, and*
7 *private sector interests have embraced the heritage*
8 *area concept and desire to enter into a partnership*
9 *with the Federal government to preserve, protect, and*
10 *develop the Heritage Area for public benefit.*

11 (15) *The National Aviation Heritage Area would*
12 *complement and enhance the aviation-related re-*
13 *sources within the National Park Service, especially*
14 *the Dayton Aviation Heritage National Historical*
15 *Park, Ohio.*

16 (b) *PURPOSE.—The purpose of this title is to establish*
17 *the Heritage Area to—*

18 (1) *encourage and facilitate collaboration among*
19 *the facilities, sites, organizations, governmental enti-*
20 *ties, and educational institutions within the Heritage*
21 *Area to promote heritage tourism and to develop edu-*
22 *cational and cultural programs for the public;*

23 (2) *preserve and interpret for the educational*
24 *and inspirational benefit of present and future gen-*
25 *erations the unique and significant contributions to*

1 *our national heritage of certain historic and cultural*
 2 *lands, structures, facilities, and sites within the Na-*
 3 *tional Aviation Heritage Area;*

4 *(3) encourage within the National Aviation Her-*
 5 *itage Area a broad range of economic opportunities*
 6 *enhancing the quality of life for present and future*
 7 *generations;*

8 *(4) provide a management framework to assist*
 9 *the State of Ohio, its political subdivisions, other*
 10 *areas, and private organizations, or combinations*
 11 *thereof, in preparing and implementing an integrated*
 12 *Management Plan to conserve their aviation heritage*
 13 *and in developing policies and programs that will*
 14 *preserve, enhance, and interpret the cultural, histor-*
 15 *ical, natural, recreation, and scenic resources of the*
 16 *Heritage Area; and*

17 *(5) authorize the Secretary to provide financial*
 18 *and technical assistance to the State of Ohio, its po-*
 19 *litical subdivisions, and private organizations, or*
 20 *combinations thereof, in preparing and implementing*
 21 *the private Management Plan.*

22 **SEC. 103. DEFINITIONS.**

23 *For purposes of this title:*

24 *(1) BOARD.—The term “Board” means the*
 25 *Board of Directors of the Foundation.*

1 (2) *FINANCIAL ASSISTANCE.*—*The term “financial*
2 *assistance” means funds appropriated by Con-*
3 *gress and made available to the management entity*
4 *for the purpose of preparing and implementing the*
5 *Management Plan.*

6 (3) *HERITAGE AREA.*—*The term “Heritage*
7 *Area” means the National Aviation Heritage Area es-*
8 *tablished by section 104 to receive, distribute, and ac-*
9 *count for Federal funds appropriated for the purpose*
10 *of this title.*

11 (4) *MANAGEMENT PLAN.*—*The term “Manage-*
12 *ment Plan” means the management plan for the Her-*
13 *itage Area developed under section 106.*

14 (5) *MANAGEMENT ENTITY.*—*The term “manage-*
15 *ment entity” means the Aviation Heritage Founda-*
16 *tion, Incorporated (a nonprofit corporation estab-*
17 *lished under the laws of the State of Ohio).*

18 (6) *PARTNER.*—*The term “partner” means a*
19 *Federal, State, or local governmental entity, organi-*
20 *zation, private industry, educational institution, or*
21 *individual involved in promoting the conservation*
22 *and preservation of the cultural and natural resources*
23 *of the Heritage Area.*

24 (7) *SECRETARY.*—*The term “Secretary” means*
25 *the Secretary of the Interior.*

1 (8) *TECHNICAL ASSISTANCE.*—*The term “tech-*
 2 *nical assistance” means any guidance, advice, help,*
 3 *or aid, other than financial assistance, provided by*
 4 *the Secretary.*

5 **SEC. 104. NATIONAL AVIATION HERITAGE AREA.**

6 (a) *ESTABLISHMENT.*—*There is established in the*
 7 *States of Ohio and Indiana, the National Aviation Heritage*
 8 *Area.*

9 (b) *BOUNDARIES.*—*The Heritage Area shall include*
 10 *the following:*

11 (1) *A core area consisting of resources in Mont-*
 12 *gomery, Greene, Warren, Miami, Clark, Champaign,*
 13 *Shelby, and Auglaize Counties in Ohio.*

14 (2) *The Neil Armstrong Air & Space Museum,*
 15 *Wapakoneta, Ohio.*

16 (3) *Sites, buildings, and districts within the core*
 17 *area recommended by the Management Plan.*

18 (c) *MAP.*—*A map of the Heritage Area shall be in-*
 19 *cluded in the Management Plan. The map shall be on file*
 20 *in the appropriate offices of the National Park Service, De-*
 21 *partment of the Interior.*

22 (d) *MANAGEMENT ENTITY.*—*The management entity*
 23 *for the Heritage Area shall be the Aviation Heritage Foun-*
 24 *dation.*

1 **SEC. 105. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
2 **ENTITY.**

3 (a) *AUTHORITIES.*—For purposes of implementing the
4 *Management Plan*, the management entity may use Federal
5 *funds made available through this title to—*

6 (1) *make grants to, and enter into cooperative*
7 *agreements with, the State of Ohio and political sub-*
8 *divisions of that State, private organizations, or any*
9 *person;*

10 (2) *hire and compensate staff; and*

11 (3) *enter into contracts for goods and services.*

12 (b) *DUTIES.*—The management entity shall—

13 (1) *develop and submit to the Secretary for ap-*
14 *proval the proposed Management Plan in accordance*
15 *with section 106;*

16 (2) *give priority to implementing actions set*
17 *forth in the Management Plan, including taking steps*
18 *to assist units of government and nonprofit organiza-*
19 *tions in preserving resources within the Heritage*
20 *Area;*

21 (3) *consider the interests of diverse governmental,*
22 *business, and nonprofit groups within the Heritage*
23 *Area in developing and implementing the Manage-*
24 *ment Plan;*

25 (4) *maintain a collaboration among the partners*
26 *to promote heritage tourism and to assist partners to*

1 *develop educational and cultural programs for the*
2 *public;*

3 *(5) encourage economic viability in the Heritage*
4 *Area consistent with the goals of the Management*
5 *Plan;*

6 *(6) assist units of government and nonprofit or-*
7 *ganizations in—*

8 *(A) establishing and maintaining interpre-*
9 *tive exhibits in the Heritage Area;*

10 *(B) developing recreational resources in the*
11 *Heritage Area;*

12 *(C) increasing public awareness of and ap-*
13 *preciation for the historical, natural, and archi-*
14 *tectural resources and sites in the Heritage Area;*
15 *and*

16 *(D) restoring historic buildings that relate*
17 *to the purposes of the Heritage Area;*

18 *(7) conduct public meetings at least quarterly re-*
19 *garding the implementation of the Management Plan;*

20 *(8) submit substantial amendments to the Man-*
21 *agement Plan to the Secretary for the approval of the*
22 *Secretary; and*

23 *(9) for any year in which Federal funds have*
24 *been received under this title—*

1 (A) submit an annual report to the Sec-
 2 retary that sets forth the accomplishments of the
 3 management entity and its expenses and income;

4 (B) make available to the Secretary for
 5 audit all records relating to the expenditure of
 6 such funds and any matching funds; and

7 (C) require, with respect to all agreements
 8 authorizing expenditure of Federal funds by
 9 other organizations, that the receiving organiza-
 10 tions make available to the Secretary for audit
 11 all records concerning the expenditure of such
 12 funds.

13 (c) *USE OF FEDERAL FUNDS.*—

14 (1) *IN GENERAL.*—The management entity shall
 15 not use Federal funds received under this title to ac-
 16 quire real property or an interest in real property.

17 (2) *OTHER SOURCES.*—Nothing in this title pre-
 18 cludes the management entity from using Federal
 19 funds from other sources for authorized purposes.

20 **SEC. 106. MANAGEMENT PLAN.**

21 (a) *PREPARATION OF PLAN.*—Not later than 3 years
 22 after the date of the enactment of this title, the management
 23 entity shall submit to the Secretary for approval a proposed
 24 Management Plan that shall take into consideration State

1 *and local plans and involve residents, public agencies, and*
2 *private organizations in the Heritage Area.*

3 (b) *CONTENTS.—The Management Plan shall incor-*
4 *porate an integrated and cooperative approach for the pro-*
5 *tection, enhancement, and interpretation of the natural,*
6 *cultural, historic, scenic, and recreational resources of the*
7 *Heritage Area and shall include the following:*

8 (1) *An inventory of the resources contained in*
9 *the core area of the Heritage Area, including the Day-*
10 *ton Aviation Heritage Historical Park, the sites,*
11 *buildings, and districts listed in section 202 of the*
12 *Dayton Aviation Heritage Preservation Act of 1992*
13 *(Public Law 102–419), and any other property in the*
14 *Heritage Area that is related to the themes of the Her-*
15 *itage Area and that should be preserved, restored,*
16 *managed, or maintained because of its significance.*

17 (2) *An assessment of cultural landscapes within*
18 *the Heritage Area.*

19 (3) *Provisions for the protection, interpretation,*
20 *and enjoyment of the resources of the Heritage Area*
21 *consistent with the purposes of this title.*

22 (4) *An interpretation plan for the Heritage*
23 *Area.*

1 (5) *A program for implementation of the Man-*
 2 *agement Plan by the management entity, including*
 3 *the following:*

4 (A) *Facilitating ongoing collaboration*
 5 *among the partners to promote heritage tourism*
 6 *and to develop educational and cultural pro-*
 7 *grams for the public.*

8 (B) *Assisting partners planning for restora-*
 9 *tion and construction.*

10 (C) *Specific commitments of the partners*
 11 *for the first 5 years of operation.*

12 (6) *The identification of sources of funding for*
 13 *implementing the plan.*

14 (7) *A description and evaluation of the manage-*
 15 *ment entity, including its membership and organiza-*
 16 *tional structure.*

17 (c) *DISQUALIFICATION FROM FUNDING.—If a proposed*
 18 *Management Plan is not submitted to the Secretary within*
 19 *3 years of the date of the enactment of this title, the manage-*
 20 *ment entity shall be ineligible to receive additional funding*
 21 *under this title until the date on which the Secretary re-*
 22 *ceives the proposed Management Plan.*

23 (d) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*
 24 *PLAN.—The Secretary, in consultation with the State of*
 25 *Ohio, shall approve or disapprove the proposed Manage-*

1 *ment Plan submitted under this title not later than 90 days*
 2 *after receiving such proposed Management Plan.*

3 *(e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-*
 4 *retary disapproves a proposed Management Plan, the Sec-*
 5 *retary shall advise the management entity in writing of the*
 6 *reasons for the disapproval and shall make recommenda-*
 7 *tions for revisions to the proposed Management Plan. The*
 8 *Secretary shall approve or disapprove a proposed revision*
 9 *within 90 days after the date it is submitted.*

10 *(f) APPROVAL OF AMENDMENTS.—The Secretary shall*
 11 *review and approve substantial amendments to the Manage-*
 12 *ment Plan. Funds appropriated under this title may not*
 13 *be expended to implement any changes made by such*
 14 *amendment until the Secretary approves the amendment.*

15 **SEC. 107. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
 16 **FEDERAL AGENCIES.**

17 *(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon*
 18 *the request of the management entity, the Secretary may*
 19 *provide technical assistance, on a reimbursable or non-*
 20 *reimbursable basis, and financial assistance to the Heritage*
 21 *Area to develop and implement the management plan. The*
 22 *Secretary is authorized to enter into cooperative agreements*
 23 *with the management entity and other public or private*
 24 *entities for this purpose. In assisting the Heritage Area,*

1 *the Secretary shall give priority to actions that in general*
2 *assist in—*

3 *(1) conserving the significant natural, historic,*
4 *cultural, and scenic resources of the Heritage Area;*
5 *and*

6 *(2) providing educational, interpretive, and rec-*
7 *reational opportunities consistent with the purposes of*
8 *the Heritage Area.*

9 *(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any*
10 *Federal agency conducting or supporting activities directly*
11 *affecting the Heritage Area shall—*

12 *(1) consult with the Secretary and the manage-*
13 *ment entity with respect to such activities;*

14 *(2) cooperate with the Secretary and the man-*
15 *agement entity in carrying out their duties under this*
16 *title;*

17 *(3) to the maximum extent practicable, coordi-*
18 *nate such activities with the carrying out of such du-*
19 *ties; and*

20 *(4) to the maximum extent practicable, conduct*
21 *or support such activities in a manner which the*
22 *management entity determines will not have an ad-*
23 *verse effect on the Heritage Area.*

1 **SEC. 108. COORDINATION BETWEEN THE SECRETARY AND**
2 **THE SECRETARY OF DEFENSE AND THE AD-**
3 **MINISTRATOR OF NASA.**

4 *The decisions concerning the execution of this title as*
5 *it applies to properties under the control of the Secretary*
6 *of Defense and the Administrator of the National Aero-*
7 *nautics and Space Administration shall be made by such*
8 *Secretary or such Administrator, in consultation with the*
9 *Secretary of the Interior.*

10 **SEC. 109. REQUIREMENTS FOR INCLUSION OF PRIVATE**
11 **PROPERTY.**

12 *(a) NOTIFICATION AND CONSENT OF PROPERTY OWN-*
13 *ERS REQUIRED.—No privately owned property shall be pre-*
14 *served, conserved, or promoted by the management plan for*
15 *the Heritage Area until the owner of that private property*
16 *has been notified in writing by the management entity and*
17 *has given written consent for such preservation, conserva-*
18 *tion, or promotion to the management entity.*

19 *(b) LANDOWNER WITHDRAW.—Any owner of private*
20 *property included within the boundary of the Heritage Area*
21 *shall have their property immediately removed from the*
22 *boundary by submitting a written request to the manage-*
23 *ment entity.*

24 **SEC. 110. PRIVATE PROPERTY PROTECTION.**

25 *(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this*
26 *title shall be construed to—*

1 (1) *require any private property owner to allow*
2 *public access (including Federal, State, or local gov-*
3 *ernment access) to such private property; or*

4 (2) *modify any provision of Federal, State, or*
5 *local law with regard to public access to or use of pri-*
6 *vate property.*

7 (b) *LIABILITY.—Designation of the Heritage Area*
8 *shall not be considered to create any liability, or to have*
9 *any effect on any liability under any other law, of any pri-*
10 *vate property owner with respect to any persons injured*
11 *on such private property.*

12 (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*
13 *USE.—Nothing in this title shall be construed to modify*
14 *the authority of Federal, State, or local governments to reg-*
15 *ulate land use.*

16 (d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS*
17 *IN HERITAGE AREA.—Nothing in this title shall be con-*
18 *strued to require the owner of any private property located*
19 *within the boundaries of the Heritage Area to participate*
20 *in or be associated with the Heritage Area.*

21 (e) *EFFECT OF ESTABLISHMENT.—The boundaries*
22 *designated for the Heritage Area represent the area within*
23 *which Federal funds appropriated for the purpose of this*
24 *title may be expended. The establishment of the Heritage*
25 *Area and its boundaries shall not be construed to provide*

1 *any nonexisting regulatory authority on land use within*
 2 *the Heritage Area or its viewshed by the Secretary, the Na-*
 3 *tional Park Service, or the management entity.*

4 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

5 *(a) IN GENERAL.—To carry out this title there is au-*
 6 *thorized to be appropriated \$10,000,000, except that not*
 7 *more than \$1,000,000 may be appropriated to carry out*
 8 *this title for any fiscal year.*

9 *(b) FIFTY PERCENT MATCH.—The Federal share of the*
 10 *cost of activities carried out using any assistance or grant*
 11 *under this title shall not exceed 50 percent.*

12 **SEC. 112. SUNSET PROVISION.**

13 *The authority of the Secretary to provide assistance*
 14 *under this title terminates on the date that is 15 years after*
 15 *the date that funds are first made available for this Act.*

16 **TITLE II—WRIGHT COMPANY**
 17 **FACTORY STUDY**

18 **SEC. 201. STUDY AND REPORT.**

19 *(a) STUDY.—*

20 *(1) IN GENERAL.—The Secretary shall conduct a*
 21 *special resource study updating the study required*
 22 *under section 104 of the Dayton Aviation Heritage*
 23 *Preservation Act of 1992 (Public Law 102–419) and*
 24 *detailing alternatives for incorporating the Wright*

1 *Company factory as a unit of Dayton Aviation Her-*
2 *itage National Historical Park.*

3 (2) *CONTENTS.—The study shall include an*
4 *analysis of alternatives for including the Wright*
5 *Company factory as a unit of Dayton Aviation Her-*
6 *itage National Historical Park that detail manage-*
7 *ment and development options and costs.*

8 (3) *CONSULTATION.—In conducting the study,*
9 *the Secretary shall consult with the Delphi Corpora-*
10 *tion, the Aviation Heritage Foundation, State and*
11 *local agencies, and other interested parties in the*
12 *area.*

13 (b) *REPORT.—Not later than 3 years after funds are*
14 *first made available for this section, the Secretary shall sub-*
15 *mit to the Committee on Resources of the House of Rep-*
16 *resentatives and the Committee on Energy and Natural Re-*
17 *sources of the Senate a report describing the results of the*
18 *study conducted under this section.*

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